



Federal Communications Commission
Washington, D.C. 20554

DEC 8 1997

EX PARTE OR LATE FILED

Ms. Sue Casper
Chair, Board of Commissioners
P. O. Box 707
Concord, North Carolina 28026-0707

RECEIVED

DEC - 9 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Chairperson Casper:

Thank you for your letter dated October 3, 1997, which was forwarded to us from the office of Senator Lauch Faircloth, concerning the placement and construction of facilities for the provision of personal wireless services and radio and television broadcast services in your community. Your letter refers to three proceedings that are pending before the Commission. In MM Docket No. 97-182, the Commission has sought comments on a Petition for Further Notice of Proposed Rule Making filed by the National Association for Broadcasters and the Association for Maximum Service Television. In this proceeding, the petitioners ask the Commission to adopt a rule limiting the exercise of State and local zoning authority with respect to broadcast transmission facilities in order to facilitate the rapid build-out of digital television facilities, as required by the Commission's rules to fulfill Congress' mandate. In WT Docket No. 97-192, the Commission has sought comment on proposed procedures for reviewing requests for relief from State and local regulations that are alleged to impermissibly regulate the siting of personal wireless service facilities based on the environmental effects of radio frequency emissions, and related matters. Finally, in DA 96-2140 and FCC 97-264, the Commission twice sought comments on a Petition for Declaratory Ruling filed by the Cellular Telecommunications Industry Association seeking relief from certain State and local moratoria that have been imposed on the siting of commercial mobile radio service facilities.

Because all of these proceedings are still pending, we cannot comment on the merits of the issues at this time. However, I can assure you that the Commission is committed to providing a full opportunity for all interested parties to participate. The Commission has formally sought public comment in all three proceedings and, as a result, has received numerous comments from State and local governments, service providers, and the public at large. Your letter, as well as this response, will be placed in the record of all three proceedings and will be given full consideration.

File of Documents
12/10/97

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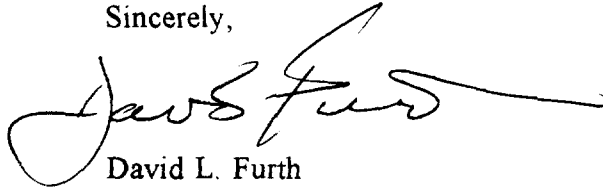
Ms. Sue Casper

2.

Further information regarding the Commission's policies toward personal wireless service facilities siting, including many of the comments in the two proceedings involving personal wireless service facilities, is available on the Commission's internet site at <http://www.fcc.gov/wtb/siting>.

Thank you for your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Furth", with a long, sweeping horizontal line extending to the right.

David L. Furth
Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

LAUCH FAIRCLOTH
NORTH CAROLINA

due 12/4
BF's sig.

United States Senate

WASHINGTON, DC 20510-3305

October 21, 1997

WTB cellular
towers
6990

The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, N. W.
Washington, D.C. 20554

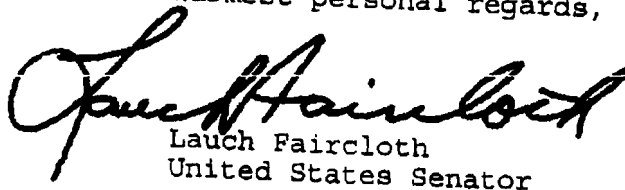
Dear Chairman Hundt:

Because of my desire to be responsive to all inquiries and communications, please give the attached your full consideration.

A constituent of mine from North Carolina, Cabarrus County Board of Commissioners Chair Sue Casper, is concerned over proposed rulemakings by the FCC which would preempt local zoning over radio and TV towers and preempt local zoning authority over certain cellular towers. She believes that these proposed rulemakings demonstrate a flagrant abuse of power. I will be most appreciative if you would address these concerns and respond directly to Ms. Casper.

Thank you for your prompt and careful consideration of this matter.

Warmest personal regards,


Lauch Faircloth
United States Senator

LF:psm
enclosure



October 3, 1997

253983
PSM

The Honorable Lauch Faircloth
United States Senate
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Faircloth:

In August, the Federal Communications Commission (FCC) issued two new rulemakings proposing to:

1. Preempt local zoning over radio and TV towers; and
2. Preempt local zoning authority over certain cellular towers.

In addition to the above exclusion of the local citizens' rights and will, in July the FCC "tentatively concluded" that it could preempt cellular tower zoning moratoria.

This is a flagrant abuse of power; and I would call your attention to some of similar misdeeds by other agencies, i.e., IRS.

Please give serious consideration to the abuse of citizens' rights and local authority.

Sincerely,

Sue Casper
Chair, Board of Commissioners

SC/sb

Enclosures